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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			MOE, AUNG SOE	
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			2685	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,465	Applicant(s) TOKKONEN ET AL.	
	Examiner Aung S. Moe	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-33 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10-17, 19-33, 35, 37, 39 and 41-46 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 18, 38 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8, 10-33, 35 and 37-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 26-27 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, Claim 10 recites the limitations "the means for automatically moving" in line 4. There is insufficient antecedent basis for these limitations in the claim.

In claim 26, Claim 26 recites the limitations "the step of automatically moving" in line 8. There is insufficient antecedent basis for these limitations in the claim, because "step of automatically moving" is not mentioned in the preceding step.

In claim 39, Claim 39 recites the limitations "the means for automatically moving" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6, 8, 10-17, 19-20, 22-33, 35, 37, 39 and 41-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn et al (U.S. 2001/0050875 A1).

Regarding claim 1, Kahn '875 discloses mobile electronic apparatus (i.e., see Figs. 1 and 9) comprising:

a memory (i.e., noted the memory circuits 16, 18 and external memory unit as discussed in paragraph 0096+ of Kahn '875) comprising user stored files therein (i.e., noted the user stored files, such as photo still image, video, and audio/music as discussed in paragraphs 0097 and 0100), each user stored file having more than one different prioritization parameter associated therewith (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files can be considered as different prioritization parameter for prioritizing the user stored file), wherein the user stored files comprise non-operating system files (i.e., as discussed in paragraphs 0097 and 0100, the user stored files can be still image, video and audio/music type of

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non-operating system file which is input by a user into the digital portable device 10/110 as shown in Figs 1 and 9); and

a system for prioritizing the user stored files in the memory relative to one another (i.e., noted that the user stored files, such as image, video and sound files, are relative to one another; see paragraphs 0100),

the system comprising means for prioritizing the user stored files relative to each other based upon a priority value established for the files by a combination of at least two of the different prioritization parameters (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, it is noted that sound, video, a number of images stored are related to each other based upon a priority rating values by using the different prioritization parameters, such as age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files, thus, it is cleared that combination of different prioritization parameters, e.g., the “quality” and “age” of the files can be used as parameters for high/low priority rating, are used to assigned a priority rating values to the user stored records held within the device memory).

Regarding claim 2, Kahn ‘875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters comprise age of the file and file size (i.e., noted the use of age and size to provide priority ratings of the user stored files held within the device memory as discussed in paragraphs 0051+, 0101+ and 0148+).

Regarding claim 3, Kahn ‘875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters include a value judgment parameter entered by a user (i.e.,

as discussed in paragraphs 0102, 0107, 0148-0151, the user may enter a value judgment parameter, such as “favorite”, a compression ratio, diary information and tag information).

Regarding claim 6, Kahn ‘875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters include a user input override parameter (i.e., see paragraphs 0037+ and 0137+ of Kahn ‘875).

Regarding claim 8, Kahn ‘875 discloses a mobile electronic apparatus as in claim 1 further comprising means for suggesting deletion or moving of one of the files based upon a low prioritization of the file as determined by the system for prioritizing (i.e., noted from paragraphs 0109+, 0114+ and 0134 of Kahn ‘875, Kahn ‘875 discloses the memory freeing algorithms suggested to delete a low prioritization of files as determined by the system).

Regarding claim 10, Kahn ‘875 discloses a wireless communication transceiver and an antenna connected to a transceiver (i.e., as discussed in paragraphs 0065+ and 0154+, the mobile device 10/110 can be a wireless telephone having an antenna 140, so that the information can be transmitted by using a wireless link and a network connection. In view of this, the use of transceiver is considered as an inherent feature of the mobile device 10/110), and the means for automatically moving (i.e., as shown in Fig. 4 and further discussed in paragraphs 0132-0136, Kahn ‘875 clearly shown that user stored files from the mobile device 10/110 can be automatically move to the remote device, e.g., remote computer, as a backup files) comprises means for transmitting (i.e., see paragraphs 0044+, 0065+ and 0128+) the file from the mobile electronic apparatus through the transceiver and the antenna to a wireless communication network base station (i.e., noted the use of antenna 140 as shown in Fig. 9, and as discussed in

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paragraphs 0065-0066, the mobile wireless phone of Kahn '875 establishes a communication on a network connection must use a wireless communication, thus, it's considered inherent features of the wireless network communication system of Kahn '875).

Regarding claim 11, Kahn '875 discloses a mobile electronic apparatus as in claim 1 wherein the mobile electronic apparatus comprises a mobile wireless communication terminal (i.e., see paragraphs 0065-0066, 0128+ and 0154+ of Kahn '875).

Regarding claim 12, Kahn '875 discloses a mobile electronic apparatus as in claim 11 wherein the mobile wireless communication terminal comprises a digital convergence product (i.e., noted that the wireless communication terminal 10/110 as shown in Figs. 1 and 9 of Kahn '875 is a digital device, thus, it must include a digital convergence product as claimed).

Regarding claim 13, Kahn '875 discloses a mobile electronic apparatus as in claim 12 wherein the digital convergence product comprises a digital camera (i.e., see paragraphs 0097 and 0153 of Kahn '875).

Regarding claim 14, Kahn '875 discloses a mobile electronic apparatus as in claim 12 wherein the prioritization parameters include an image file quality parameter (i.e., noted the use of the quality of the image files as the prioritization parameters as discussed in paragraphs 0101+ and 0140+).

Regarding claim 15, Kahn '875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters include a file compressibility parameter (noted the use of a file compressibility parameter as discussed in 0113+ and 0145+ of Kahn '875).

Regarding claim 16, Kahn '875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters include a size of free space in the memory parameter (i.e., see Fig. 3 and 7; see paragraphs 0103+ and 0150+ of Kahn '875).

Regarding claim 17, Kahn '875 discloses a mobile electronic apparatus as in claim 1 wherein the prioritization parameters include a parameter that lets a user determine what type of a backup of the user stored file is needed (i.e., as discussed in paragraphs 0132-0136, the user is capable of determining a backup of the user stored file).

Regarding claim 19, Kahn '875 discloses A mobile electronic apparatus as in claim 1 wherein the system for prioritizing comprises a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior (i.e., it is noted that the algorithm used for freeing the device memory is capable of learning the user's behavior of accessing/using the files over time to change the priority level of the files by setting weighting to influence the learned behavior; see paragraphs 0113+, 0123+ and 0148+ of Kahn '875).

Regarding claim 20, Kahn '875 discloses a mobile electronic apparatus as in claim 1 further comprising a user interface, wherein the user interface comprises a touch-based user interface (i.e., noted the user interface elements 26, 24, 126, 120 and 124 as shown in Figs. 1, 9 and 10; also see paragraphs 0154 for touch-based user interface).

Regarding claim 22, Kahn '875 discloses a mobile electronic apparatus as in claim 20 wherein the touch-based user interface comprises at least one depressible button (26/126) for

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inputting a user value judgment parameter for one of the files (i.e., see paragraphs 0103-0106 of Kahn '875).

Regarding claim 23, Kahn '875 discloses a method of prioritizing a plurality of user-stored files relative to each other in a mobile electronic apparatus (i.e., noted the user stored files located in the device memory 16 and 18 of the mobile device 10/110 as shown in Figs. 1-2 and 9-10; see paragraphs 0096-0100) comprising steps of:

storing the user stored, non-operating system files in a memory of the mobile electronic apparatus (i.e., as discussed in paragraphs 0097 and 0100, the user stored files can be still image, video and audio/music type of non-operating system file which is input by a user into the digital portable device 10/110 as shown in Figs 1 and 9);

associating more than one different prioritization parameter with each user stored file (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files are used as a different prioritization parameter for associating with each user stored file during the prioritization process of the user stored file in the mobile device 10/110);

and prioritizing the user stored, non-operating system files (i.e., noted the image, video and audio/music files stored in the device memory as discussed in paragraphs 0100) relative to each other based upon a priority value established for each of the files by a combination of at least two of the prioritization parameters associated with each of the files (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, it is noted that sound, video, a

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number of images stored are related to each other based upon a priority rating values by using the different prioritization parameters, such as age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files, thus, it is cleared that combination of different prioritization parameters are used to assigned a priority rating values to the user stored records held within the device memory; also see the Examiner's comment with respect to claim 1 above).

Regarding claim 24, Kahn '875 discloses a method as in claim 23 further comprising suggesting to a user deletion or moving of one of the files based upon a low prioritization of the file as determined during the step of prioritizing (i.e., noted from paragraphs 0109+, 0114+ and 0134 of Kahn '875, Kahn '875 discloses the memory freeing algorithms suggested to delete a low prioritization of files as determined by the system).

Regarding claim 25, Kahn '875 discloses a method as in claim 23 further comprising automatically moving or compress and one of the files based upon a low prioritization of the file as determined during the step of prioritizing (i.e., as discussed in paragraphs 0113+ and 0118+, the low priority file is automatically compressed during the step of prioritizing to freeing up the device memory).

Regarding claim 26, Kahn '875 discloses a method of prioritizing a plurality of user-stored files relative to each other in a mobile electronic apparatus (i.e., noted the user stored files located in the device memory 16 and 18 of the mobile device 10/110 as shown in Figs. 1-2 and 9-10; see paragraphs 0096-0100) comprising steps of:

storing the user stored, non-operating system files in a memory of the mobile electronic apparatus (i.e., as discussed in paragraphs 0097 and 0100, the user stored files can be still image, video and audio/music type of non-operating system file which is input by a user into the digital portable device 10/110 as shown in Figs 1 and 9);

associating more than one different prioritization parameter with each user stored file (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files are used as a different prioritization parameter for associating with each user stored file during the prioritization process of the user stored file in the mobile device 10/110);

and prioritizing the user stored, non-operating system files (i.e., noted the image, video and audio/music files stored in the device memory as discussed in paragraphs 0100) relative to each other based upon a priority value established for each of the files by a combination of at least two of the prioritization parameters associated with each of the files (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, it is noted that sound, video, a number of images stored are related to each other based upon a priority rating values by using the different prioritization parameters, such as age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files, thus, it is cleared that combination of different prioritization parameters are used to assigned a priority rating values to the user stored records held within the device memory)

wherein a step of automatically moving comprises transferring the file from the mobile electronic apparatus by a wireless communication link (i.e., as discussed paragraphs 0128 and 0132-0136, the image files stored in the device memory can be transfer to the external PC 42 by using a wireless communication link).

Regarding claim 27, Kahn '875 discloses a method as in claim 26 wherein the mobile electronic apparatus comprises a radio frequency transmitter and the wireless communication link comprises a radio frequency link (i.e., as discussed in paragraphs 0065-0066, 0128 and 0153+, the mobile device 10/110 can be a wireless phone for transmitting the information over the wireless communication link).

Regarding claim 28, Kahn '875 discloses method as in claim 23 wherein the different prioritization parameters are **selected from a group consisting** (i.e., *noted that the use of "consists" in the body of the claims did not limit the open-ended "comprising" language in the claims*) of the an age of the file parameter (i.e., see paragraphs 0017+, 0051+ and 0118+), a size of the file parameter (i.e., see paragraph 0017, 0040, and 0148+), a user input value judgment parameter (i.e., see paragraph 0073+), *a cost parameter, a move penalty parameter*, a user input override parameter (i.e., see paragraphs 0037+ and 0137+), an image file quality parameter (i.e., see paragraphs 0023+, 0057+, 0101+ and 0140), a file compressibility parameter, a size of free space in the memory parameter, a number of times a file has been accessed parameter (i.e., see paragraphs 0052 and 0118) and *a time decay parameter* as a floating average.

Regarding claim 29, Kahn '875 discloses method as in claim 23 wherein the mobile electronic apparatus comprises a digital camera and the step of storing the user stored files

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comprises storing a digital image taken by the digital camera (i.e., see paragraphs 0096-0097 of Kahn '875).

Regarding claim 30, Kahn '875 discloses a method as in claim 23 wherein the step of associating more than one different prioritization parameter with each user stored file comprises inputting, by a user, a user value judgment parameter into the mobile electronic apparatus for each of the user stored files (i.e., as discussed in paragraphs 0057+, 0101-0102, 0107, and 0148-0151, the user may enter a value judgment parameter, such as image quality/resolution, "favourite", a compression ratio, diary information and tag information).

Regarding claim 31, Kahn '875 discloses a method as in claim 30 further comprising a user actuating a user interface device for inputting the user value judgment parameter (i.e., see paragraphs 0103 and the element 26) and, inputting a default user value judgment parameter into the mobile electronic apparatus when the user does not actuate the user interface device (i.e., noted the use of a default value as discussed in paragraphs 0103+ of Kahn '875).

Regarding claim 32, Kahn '875 discloses a method as in claim 23 wherein the step of prioritizing the user stored files relative to each other comprises a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior (i.e., it is noted that the algorithm used for freeing the device memory is capable of learning the user's behavior of accessing/using the files over time to change the priority level of the files by setting weighting to influence the learned behavior; see paragraphs 0113+, 0123+ and 0148+ of Kahn '875).

Regarding claim 33, Kahn '875 discloses a method of prioritizing a plurality of files relative to each other in a memory of an electronic apparatus (i.e., see Figs. 1, 2, 9 and 10; also see Examiner's comments with respect to claims 1 and 23 as discussed above) comprising steps of:

associating more than one different prioritization parameter for each of the files in the memory (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files are used as a different prioritization parameter for associating with each user stored file during the prioritization process of the user stored file in the mobile device 10/110),

a first one of the prioritization parameters comprising a value judgment parameter comprising a user input value judgment parameter created by a user after the file is stored in the memory (i.e., as discussed in paragraphs 0057+, 0101-0102, 0107, and 0148-0151 of Kahn '875, the user may enter a value judgment parameter, such as image quality, size, resolution, "favourite", a compression ratio, diary information and tag information after the file is stored in the device memory); and

prioritizing the files relative to one another based upon a parameter value for each file (i.e., as discussed in paragraphs 0101+ and 0145+ of Kahn '875, the image files can be prioritize based on a parameter value, such as resolution, quality and specified compression levels),

the parameter value comprising a combined single value from the value judgment parameter respectively associated with the files and at least one other of the prioritization

parameters respectively associated with the files (i.e., as shown in Fig. 7 and further discussed in paragraphs 0145-0150, the image files is prioritized based on the combined single value, such as image quality/resolution from the value judgment parameter inputted by the user and compression level prioritization parameters associated with the files in the device memory).

Regarding claim 35, Kahn '875 discloses a mobile electronic apparatus (i.e., see Figs. 1, 2, 9 and 10) comprising:

a memory (i.e., noted the memory circuits 16, 18 and external memory unit as discussed in paragraph 0096+ of Kahn '875) comprising a plurality of user stored files therein, each of the user stored files having at least one first prioritization parameter associated therewith (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files are used as first prioritization parameter for associating with each user stored file during the prioritization process of the user stored file in the mobile device 10/110) and a second backup parameter associated therewith (i.e., as discussed in paragraphs 0119, the user may input the "judgment parameter" such as "favourite" to associate the stored files within the device memory which are important to the user),

wherein the user-stored files comprise photograph, video and/or music files (i.e., see paragraphs 0097 and 0100);

and a system for prioritizing the user stored files in the memory relative to one another (i.e., noted that the user stored files, such as image, video and sound files, are relative to one

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another by a prioritization system 14 of the electronic device 10/110; see paragraphs 0100+ and 0113+),

the system comprising means for prioritizing the user stored files relative to each other based upon both the second backup parameter and at least one of the first prioritization parameters for each file (i.e., noted that a user input judgment parameter, such as “favourite” as discussed in paragraphs 0119+ and one of the first prioritization parameter, such as “quality”, “age/size” of the stored image files, and “compression levels” as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, can be used during the prioritization process to relate the stored image files).

Regarding claim 37, Kahn ‘875 discloses an electronic device (i.e., see Figs. 1, 2, 9 and 10) comprising:

a memory comprising a plurality of user stored files therein (i.e., noted the image, video and sound/music files stored in the device memory by the user as discussed in paragraphs 0096+), each user stored file having more than one different prioritization parameter associated therewith (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, the priority rating preferences, age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files are used as first prioritization parameter for associating with each user stored file during the prioritization process of the user stored file in the mobile device 10/110), wherein the user stored files comprise non-operating system files including photograph, video and/or music files (i.e., see paragraphs 0100); and

a prioritization system for prioritizing the user stored files in the memory relative to one another (i.e., noted that the user stored files, such as image, video and sound files, are relative to one another by a prioritization system 14 of the electronic device 10/110; see paragraphs 0100+ and 0113+),

the prioritization system being adapted to prioritize the user stored files in the memory relative to each other based upon a priority value established for the files by a combination of at least two of the different prioritization parameters (i.e., as discussed in paragraphs 0017+, 0051+, 0057, 0130+, 0113 and 0145-0150, it is noted that sound, video, a number of images stored are related to each other based upon a priority rating values by using the different prioritization parameters, such as age of the user stored files, size of the user stored files, the number of time user stored file is reproduced/viewed, compression level and quality/resolution of the user stored files, thus, it is cleared that combination of different prioritization parameters, e.g., the “quality” and “age” of the files can be used for high/low priority rating, are used to assigned a priority rating values to the user stored records held within the device memory).

Regarding claim 39, Kahn ‘875 discloses a wireless communication transceiver and an antenna connected to the transceiver, and means for automatically moving comprises means for transmitting the file from the mobile electronic apparatus through the transceiver and the antenna to a wireless communication network base station (i.e., please see the Examiner’s comment with respect to claim 10 as discussed above).

Regarding claim 41, please see the Examiner’s comment with respect to claim 19 as discussed above.

Regarding claim 42, Kahn '875 discloses wherein the electronic device comprises a mess memory device (i.e., see paragraph 0096 of Kahn '875).

Regarding claims 43 and 45, Kahn '875 discloses wherein the user stored non-operating system files comprise photograph, video and/or music files (i.e., see paragraph 0100 of Kahn '875).

Regarding claims 44 and 46, Kahn '875 discloses wherein the user stored non-operating system files comprise files, which are not applications (i.e., see paragraph 0100 of Kahn '875).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn '875 in view of Horvitz (U.S. 2004/0236719 A1).

Regarding claim 4, although Kahn '875 shown the use of different prioritization parameters (i.e., see applicant's remarks with respect to claims 1 and 23), Kahn '875 does not explicitly show the use of **cost parameter** as the prioritization parameter in a mobile electronic apparatus (i.e., see paragraphs 0018+).

However, the above-mentioned claimed limitations are well known in art as evidenced by Horvitz '719. In particular, Horvitz '719 shown in Figs. 3, 5 and 6 and further discussed in the paragraphs 0044+ and 0146+ that the use of "cost parameter" as the prioritization parameter is well known in the art.

In view of the above, having the system of Kahn '875 and then given the well-established teaching of Horvitz '719, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Kahn '875 by including a cost parameter as the prioritization parameters as taught by Horvitz '719 so that the expected cost associated with delayed review is minimized (i.e., see paragraph 0034+).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn '875 in view of Schuster et al. (U.S. 6,584,490).

Regarding claim 21, although Kahn '875 discloses the use of the touch-based user interface (i.e., Figs. 1, 2 and 9, the elements 26, 24, 36, 126, 124 and 120; paragraph 0154) comprises a mechanical input apparatus and, a display of the apparatus (120) for inputting a user

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value judgment parameter for one of the files (i.e., see paragraphs 0130, 0151+ and 0154+ of Kahn '875), Kahn '875 does not explicitly show the use of a bar and a slider shown on a display of the apparatus as required by the present claimed invention.

However, the above-mentioned claimed limitations are well known in art as evidenced by Schuster '490. In particular, Schuster '490 teaches the use of a bar and a slider (i.e., Fig. 13, the element 1314) shown on a display of the apparatus (410) as required by the present claimed invention.

In view of the above, having the system of Kahn '875 and then given the well-established teaching of Schuster '490, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Kahn '875 as taught by Schuster '490 for inputting the user value judgment parameter for one of the files, thereby the flexibility of operation would improve and enhance the user's convenient.

Allowable Subject Matter

10. Claims 5, 7, 18, 38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

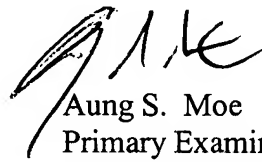
11. Claim 36 is allowable over the prior art of records.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 571-272-7314. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Aung S. Moe
Primary Examiner
Art Unit 2685

A. Moe
February 5, 2006